Snyder et al v. Greenberg Traurig, LLP et al Doc. 1

FILED

2007 MAY 10 A 11: 29

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

CATHERINE SNYDER, RICHARD SNYDER	)	
Plaintiffs,	)	**Civil Action No.:** 1:07cv469 (GBL/BRP)
v.	)	
GREENBERG TRAURIG, LLP, **HARLEY LEWIN,** **JANET SHIH HAJEK,** **STEVE WADYKA,** **AND JOHN DOES 1-15,**	)	
Defendants,	)	

COMPLAINT

Plaintiffs Catherine and Richard Snyder hereby file this complaint for Invasion of Privacy, Intentional Infliction of Emotional Distress, Abuse of Process, and related claims against Defendants GREENBERG TRAURIG, LLP, HARLEY LEWIN, JANET SHIH HAJEK, STEVE WADYKA AND JOHN DOES 1-15, on personal knowledge as to defendants activities and upon information and belief as to the activities of others:

PARTIES

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1. Plaintiff's Catherine and Richard Snyder are citizens of the United States of America and domiciliary of the State of Virginia, having an address at 603 Nash Street Herndon, VA 20170.

2. Upon information and belief Greenberg Traurig was (and remains) a law firm organized as a limited liability partnership with various offices throughout the United States, including a place of business with a location at 1750 Tysons Blvd., McLean Va, 22102 and 200 Park Avenue New York, N.Y. 10166.

3. Defendant Harley I. Lewin (hereinafter "Mr. Lewin") perpetrated, and aided and abetted in the actions giving rise to the cause of action brought in this complaint by Plaintiffs Catherine and Richard Snyder.

DEFENDANTS' CONDUCT

4. Upon information and belief on or about December 4, 2006, defendants GREENBERG TRAURIG, LLP, working on behalf of DIANE von FURSTENBERG STUDIO, obtained an ex-parte seizure order in the Eastern District Court of Virginia (Alexandria Division) authorizing the search and seizure of particular items from Plaintiffs Catherine and Richard Snyder's home.

5. Upon personal knowledge, defendants arrived at the plaintiff's domicile to carry out said seizure order on the morning of December 8, 2006.

6. Upon personal knowledge, defendants were accompanied by three Herndon Virginia

Police Officers when they arrived at plaintiff's home.

7. Upon information and belief, Mr. Lewin, Ms. Hajek and Mr. Wadyka invited New Yorker Magazine journalist, Larissa Macfarquhar, to accompany them to Plaintiff's home on December 8, 2006.

8. Upon information and belief, Ms. Macfarquhar was doing background for an article she was writing for The New Yorker Magazine.

9. Upon information and belief, the aforementioned article titled "BAG MAN", was published in the March 19, 2007 issue of The New Yorker Magazine.

10. Upon information and belief, the aforementioned New Yorker Magazine article featured an account of the events Ms. Macfarquhar witnessed while Defendant's carried out their "raid" on Plaintiff's home on December 8, 2006.

11. Upon personal knowledge the Seizure Order, obtained and executed by Defendant's, and served upon Plaintiff's, authorized and directed the particular items to be seized from plaintiff's home be limited to the following:

A. any and all unauthorized and unlicensed merchandise bearing the DVF marks, as well as the means for making the same;

B. the books and records relating thereto, including but not limited to records and data contained in electronic format on computers, servers, hard drives, zip drives and disks;

C. the containers or vehicles in which the same are held or transported, whic Defendants sell, attempt to sell or hold for sale; and

D. any counterfeit DVF product, reproduction, copies, or colorable imitations thereof, including dresses or other items.

12. Upon personal knowledge, in addition to the particular items authorized by the Court, the Defendants seized the following items from Plaintiff's home on December 8, 2006:

A. Plaintiff's income tax returns for the years 2002, 2003, 2004 and 2005

B. A dress bearing the Marc Jacobs label

C. Personal clothing belonging to plaintiff

D. Plaintiff's personal paid bill statements from the year 2002, 2003, 2004, 2005 and 2006

E. Plaintiff's pending bills, despite the fact that plaintiff, Catherine Snyder, specifically requested Mr. Lewin refrain from taking

F. Plaintiff's vehicle registration renewal form, which was lying in plain site on top of Plaintiff Catherine Snyder's desk

G. Plaintiffs marriage certificate

H. The birth certificates of both Plaintiff's and the birth certificates of both of Plaintiff's children

I. Mr. Lewin demanded that Plaintiff, Catherine Snyder, supply him with the passwords to her eBay and PayPal accounts.

J. A notebook containing all of the usernames and passwords to personal websites used by the plaintiff

K. Defendants Lewin et al, without her knowledge or consent, took the wallet out of Catherine Snyder's handbag and confiscated the credit cards contained therein

L. In addition to the credit cards taken from plaintiff Catherine Snyder's wallet, Defendants also confiscated, four un-activated credit cards from a filing box located in Plaintiff's home office

M. A Report Card belonging to Plaintiff's son

N. Plaintiff's seven-year-old son's username and password for the FCSPS 24/7 (Fairfax County Schools e-learning tool) Website

O. Mortgage settlement documents relating to plaintiff's current home

P. Mortgage settlement documents relating to two homes previously owned by Plaintiffs

Q. All of plaintiff's bank account statements, business and personal

R. A life insurance policy belonging to Plaintiff Catherine Snyder

S. Personal documents belonging to Plaintiff's

T. Two checkbooks defendant Mr. Lewin demanded Ms. Snyder turn over to him

U. Plaintiff, Catherine Snyder's business license

V. The following items were seized from Plaintiff, Catherine Snyder's office bulletin board:

1. Plaintiff, Catherine Snyder's federal tax I.D. number
2. Plaintiff, Catherine Snyder's Western Union customer account number
3. Plaintiff's access code to their personal voice mail account
4. The telephone number of Plaintiff's husbands place of employment
5. The access number to Plaintiff's personal bank account
6. Plaintiff, Richard Snyder's pay statements

W. Both Catherine and Richard Snyder's Social Security Benefits Statements

X. The social security cards issued to both of Plaintiff's children

COUNT ONE
(42 U.S.C. § 1983)

12. Plaintiff's repeat and re-allege each and every allegation contained in paragraphs 1 through 11 as if fully repeated herein.

13. The Supreme Court held in *Wilson et al. v. Layne* that a media "ride-along" while executing a warrant in a home violates the Fourth Amendment of the Constitution.

14. By inviting a member of the media along while executing a search and seizure warrant on private citizens, Defendants Greenberg Traurig et al. clearly violated the Plaintiff's expectation of the right to privacy in their home.

15. In *Bivens v Six Unknown Agents of Fed. Bureau of Narcotics* 403 U.S. 388, 390-97 (1971), the Supreme Court ruled that government agents might be liable in a civil action stemming from a Fourth Amendment violation.

16. The Sixth Circuit Court of Appeals, *See Vector Research Inc. v. Howard & Howard,*

ruled that Plaintiff's Counsel in that case were Federal Agents, in that they acted in concert with Federal Marshals in executing an ex-parte seizure order.

17. In *Wyatt v. Cole*, 504 U.S. 158, 159 (1992), the Supreme Court held that a party who is not a public official may be liable under 42 U.S.C. § 1983 and yet not be entitled to qualified immunity because, if not a public official, the reason for affording qualified immunity does not exist.

18. As a result of Defendants violation of their Constitutional Rights, Plaintiffs Catherine and Richard Snyder have suffered substantial injuries and damage.

COUNT TWO
(42 U.S.C. § 1983)

19. Plaintiff's repeat and re-allege each and every allegation contained in paragraphs 1 through 18 as if fully repeated herein.

20. Taking private papers and personal belongings from Plaintiffs Catherine and Richard Snyder's home far exceeded the scope of the Courts Order.

21. The actions of Defendants on December 8, 2006 constitute a tortuous breach of Plaintiffs inherent right to Privacy under the Constitution of the United States of America.

22. As a result of Defendants violation of their Constitutional Rights, Plaintiffs Catherine and Richard Snyder have suffered substantial injuries and damage.

COUNT THREE
(Intentional Infliction of Emotional Harm)

23. Plaintiff's repeat and re-allege each and every allegation contained in paragraphs 1 Through 22 as if fully repeated herein.

24. Defendants, by their extreme and outrageous conduct, intentionally or recklessly caused Plaintiffs Catherine and Richard Snyder, as well as their two children, *severe* emotional distress.

COUNT FOUR
(Abuse of Process)

25. Plaintiff's repeat and re-allege each and every allegation contained in paragraphs 1 Through 24 as if fully repeated herein.

26. Defendants, by their extreme and outrageous conduct in executing an ex-parte in the home of Plaintiffs Catherine and Richard Snyder, categorically Abused the Judicial Process.

27. As a result of Defendants Abuse of the Authority and Process they were entrusted with, Plaintiffs Catherine and Richard Snyder, as well as their two children have suffered substantial injuries and damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment as follows:

A. For Count Ones through Four, an amount to be determined at trial, including punitive damages, plus interest;

B. For Plaintiff's attorney fees;

C. For the costs and disbursements incurred in this action; and

D. For such other and further relief as the Court deems just and proper.

JURY DEMAND
Plaintiffs demand a trial by jury on all issues.

Respectfully submitted,

Catherine and Richard Snyder
603 NASH STREET
HERNDON, VA 20170
703-707-8130
Plaintiffs in Pro Se

May 9, 2007